

Appl. No. 10/809,113
Amdt. dated Oct. 19, 2006
Reply to Final Office Action dated Sep 27, 2006

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Remarks/Arguments

An obvious typographical error to paragraph 29 of the Specification has been corrected.

Claims 1-20 and 22 are presented.

The allowance of claims 1-19 is noted with appreciation.

Claims 20 & 22 stand rejected under 35 USC 103(a) as unpatentable over Searfoss in view of Blemont, et al.

Belmont, et al is cited simply to show packing with re-sealable openings are known, and as such, would be obvious with Searfoss.

Searfoss is said to disclose a product display bag for packaging, displaying and transporting goods. Searfoss is said to disclose an orifice in one surface of the bag and a patch including an elongated strip 13 attached to the one surface in position closing the orifice. It is said Searfoss discloses the patch attached in a manner to allow the elongated strip to be movable from the orifice "to form a carrying handle" and to allow finger access to the product. The patch is then said to be returnable to cover the orifice. This is said to anticipate the claims with the exception of the re-closable opening taught by Belmont, et al.

The disclosed object and intent of the Searfoss patent is to provide a container disclosure device for selectively dispensing materials packaged within the container such as bird seed, laundry detergent, snack foods, i.e. pourable products. The closure device is said to include sidewall segment 3 having a flap 13 hingedly attached along one side. The flap is designed to cover and uncover orifice 11 formed in segment 3.

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Segment 3 is attached to the wall of container 3 with a pull-off adhesive or a dry adhesive. The side wall of the container is then ruptured adjacent the orifice 11. Flap 13 is movable away from orifice 11 to allow discharge of product and returnable to cover the orifice. It is noted that flap 13 is shown as generally semi-oval shaped and is disclosed as pivotably attached along one edge to the side wall segment 3. This structure cannot function as a carrying handle.

There is no disclosure in Searfoss of a display bag. There is no disclosure of a path having an elongate strip. There is no disclosure of providing a strip movable between positions to function as a carrying handle, to provide finger access to the product and to close the orifice. There is no carrying handle disclosed.

The disclosure of Searfoss provides no motive or suggestion that the disclosed dispensing closure could function in the manner claimed.

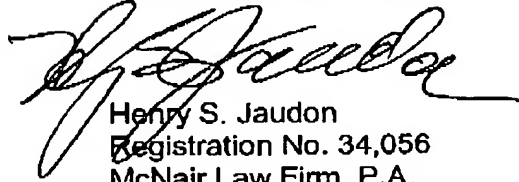
Accordingly, it is believed that claim 20 and dependent claim 22 clearly define over the references of the rejection for the stated reasons. It is, therefore, respectfully urged that the examiner withdraw the rejection, enter the proposed amendment and pass the case to issue in the due course of PTO business.

It is noted that the proposed amendment to claim 20 is merely to form and in no way changes the scope of the claim.

Should the examiner disagree with the remarks, entry of the amendment for purposes of appeal is respectfully requested.

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Respectfully submitted,



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